

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 70938

Roland Keller
Linda Keller
3316 Elm Avenue
Baltimore, MD 21211

337 Endsleigh Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 30, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310 (a), failure to remove junk, trash and debris from residential property known as 337 Endsleigh Avenue, 21220.

On December 8, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Ryan Fisher issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 16, 2009 for removal of open dump/junk yard, remove trash and debris, remove animal feces daily, remove junk and debris from rear yard and alley. This Citation was issued on December 8, 2009.

B. Photographs in the file show large piles of junk and trash, including mattresses, old torn up pieces of carpeting, and bags of garbage or trash. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats.

C. A Citation for similar violations was issued on February 11, 2009. That Citation was enforced but the civil penalty was rescinded by this Hearing Officer after the Code Enforcement Inspector and an occupant of the house testified that the violations had been corrected and the property had been cleaned up prior to the code enforcement hearing. Because the violation has recurred, the civil penalty for the current Citation will be enforced, and the County will be authorized to clean up the property if Respondents fail to correct the violations within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$500.00 (five hundred dollars) if the violations are corrected by February 1, 2010.

IT IS FURTHER ORDERED that after February 1, 2010, the County may enter the property for the purpose of removing all junk, trash and debris, at Respondents' expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 11th day of January 2010.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf